

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY DEELY,)	
Plaintiff,)	CIVIL ACTION NO. 05-0835
)	
v.)	
)	Judge Lancaster
JO ANNE B. BARNHART,)	Magistrate Judge Caiazza
Commissioner of)	
Social Security,)	
)	
Defendant.)	

MEMORANDUM ORDER

On June 22, 2005, this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On June 13, 2006 the magistrate judge issued a Report and Recommendation (Doc. 10) recommending that the District Court grant the Plaintiff's Motion for Summary Judgment (Doc. 6) and deny the Motion for Summary Judgment filed on behalf of the Commissioner (Doc. 8).

Service of the Report and Recommendation was made on the parties. Objections were due on July 3, 2006. None were received.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 7th day of July 2006, IT IS HEREBY ORDERED that the Plaintiff's Motion for Summary Judgment (Doc.6) is **GRANTED**, and the Defendant's Motion for Summary Judgment (Doc. 8) is **DENIED**.

The Report and Recommendation of Magistrate Judge Caiazza dated June 28, 2006 (Doc. 10) is hereby adopted as the opinion of the court.

The ALJ's decision is **REVERSED** and this matter is **REMANDED FORTHWITH** to the Commissioner of Social Security for the sole purpose of calculating benefits retroactive to the alleged date of onset of disability. The Clerk is directed to mark this case **CLOSED**.

A handwritten signature in black ink, appearing to read "Gary L. Lancaster", is written over a horizontal line.

Gary L. Lancaster
United States District Court Judge

cc:

Francis X. Caiazza
U.S. Magistrate Judge

Stanley E. Hilton, Esq.

Lee Karl, AUSA